

111TH CONGRESS
1ST SESSION

H. R. 1690

To amend the Coastal Zone Management Act of 1972 to authorize the Secretary of Commerce to make grants to coastal states to support voluntary State efforts to initiate and complete surveys of coastal waters to identify potential areas suitable for the exploration, development, and production of renewable energy, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 24, 2009

Mrs. CAPPS (for herself, Mr. DELAHUNT, Ms. BORDALLO, Mr. FARR, Mr. SESTAK, and Mr. MCGOVERN) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To amend the Coastal Zone Management Act of 1972 to authorize the Secretary of Commerce to make grants to coastal states to support voluntary State efforts to initiate and complete surveys of coastal waters to identify potential areas suitable for the exploration, development, and production of renewable energy, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Coastal State Renew-
3 able Energy Promotion Act”.

4 **SEC. 2. STATE OCEAN AND COASTAL RENEWABLE ENERGY**
5 **PLANNING.**

6 (a) IN GENERAL.—The Coastal Zone Management
7 Act of 1972 (16 U.S.C. 1451 et seq.) is amended by in-
8 serting after section 306A the following:

9 “OCEAN AND COASTAL RENEWABLE ENERGY STATE SUR-
10 VEYS; RENEWABLE ENERGY SITE IDENTIFICATION
11 AND PLANNING

12 “SEC. 306B. (a) GRANTS TO STATES.—The Sec-
13 retary may make grants to eligible coastal states to sup-
14 port voluntary State efforts to initiate and complete sur-
15 veys of portions of coastal state waters and Federal waters
16 adjacent to a State’s coastal zone, in consultation with the
17 Minerals Management Service and other relevant Federal
18 agencies, to identify potential areas suitable for the explo-
19 ration, development, and production of renewable energy
20 that are consistent with the enforceable policies of coastal
21 management plans approved pursuant to section 306(d).

22 “(b) SURVEY ELEMENTS.—Surveys developed with
23 grants under this section shall include consideration of—

24 “(1) hydrographic and bathymetric surveys;

1 “(2) oceanographic observations and measure-
2 ments of the physical ocean environment, especially
3 seismically active areas;

4 “(3) identification and characterization of sig-
5 nificant or sensitive marine ecosystems or other
6 areas possessing important conservation, rec-
7 reational, ecological, historic, or aesthetic values;

8 “(4) surveys of existing marine uses in the
9 outer Continental Shelf and identification of poten-
10 tial conflicts;

11 “(5) inventories and surveys of shore locations
12 and infrastructure capable of supporting renewable
13 energy development;

14 “(6) inventories and surveys of offshore loca-
15 tions and infrastructure capable of supporting re-
16 newable energy development; and

17 “(7) other matters as may be necessary.

18 “(c) PARTICIPATION AND COOPERATION.—To the ex-
19 tent practicable, coastal states shall provide opportunity
20 for the participation in surveys under this section by rel-
21 evant Federal agencies, State agencies, local governments,
22 regional organizations, port authorities, and other inter-
23 ested parties and stakeholders, public and private, that is
24 adequate to develop a comprehensive survey.

1 “(d) AVAILABILITY OF SURVEY DATA.—The results
 2 of surveys conducted or supported by a grant awarded
 3 under this section, including relevant data, shall be made
 4 available to the public.

5 “(e) GUIDELINES.—The Secretary shall, within 180
 6 days after the date of enactment of this section and after
 7 consultation with the coastal states, publish guidelines for
 8 the application for and use of grants under this section.

9 “(f) ANNUAL GRANTS.—For each of fiscal years
 10 2010 through 2013, the Secretary may make a grant to
 11 a coastal state under this section if the coastal state dem-
 12 onstrates to the satisfaction of the Secretary that the
 13 grant will be used to develop a renewable energy survey
 14 consistent with the requirements set forth in this section.

15 “(g) GRANT AMOUNTS.—The amount of any grant
 16 under this section shall not exceed \$1,000,000 for any fis-
 17 cal year.

18 “(h) STATE MATCH.—

19 “(1) BEFORE FISCAL YEAR 2012.—The Sec-
 20 retary shall not require any State matching fund
 21 contribution for grants awarded under this section
 22 for any fiscal year before fiscal year 2012.

23 “(2) FISCAL YEAR 2012 AND THEREAFTER.—
 24 The Secretary shall require a coastal state to provide
 25 a matching fund contribution for a grant under this

1 section for surveys of a State's coastal waters, ac-
2 cording to—

3 “(A) a 2-to-1 ratio of Federal-to-State con-
4 tributions for fiscal year 2012; and

5 “(B) a 1-to-1 ratio of Federal-to-State
6 contributions for fiscal year 2012.

7 “(3) LIMITATION.—The Secretary shall not re-
8 quire any matching funds for surveys of Federal wa-
9 ters adjacent to a State's coastal zone.

10 “(4) USE OF DONATIONS.—A coastal state may
11 utilize funds or other in-kind contributions donated
12 by a non-governmental partner to satisfy matching
13 contribution requirements under this subsection.

14 “(i) SECRETARIAL REVIEW.—After an initial grant
15 is made to a coastal state under this section, no subse-
16 quent grant may be made to that coastal state under this
17 section unless the Secretary finds that the coastal state
18 is satisfactorily developing its survey.

19 “(j) LIMITATION ON ELIGIBILITY.—No coastal state
20 is eligible to receive grants under this section for more
21 than 3 fiscal years.

22 “(k) APPLICABILITY.—This section and the surveys
23 conducted with assistance under this section shall not be
24 construed to convey any new authority to any coastal
25 state, or repeal or supersede any existing authority of any

1 Federal agency, to regulate the siting, licensing, leasing,
2 or permitting of renewable energy facilities in areas of the
3 outer Continental Shelf under the administration of the
4 Federal Government. Nothing in this section repeals or
5 supersedes any existing coastal state authority pursuant
6 to State or Federal law.

7 “(l) PRIORITY.—Any area that is identified as suit-
8 able for potential renewable energy development under
9 surveys developed with assistance under this section shall
10 be given priority consideration by Federal agencies for the
11 siting, licensing, leasing, or permitting of renewable en-
12 ergy facilities.

13 “(m) ASSISTANCE BY THE SECRETARY.—The Sec-
14 retary shall—

15 “(1) under section 307(a) and to the extent
16 practicable, make available to coastal states the re-
17 sources and capabilities of the National Oceanic and
18 Atmospheric Administration to provide technical as-
19 sistance to the coastal states to develop surveys
20 under this section;

21 “(2) encourage other Federal agencies with rel-
22 evant expertise to participate in providing technical
23 assistance under this subsection; and

24 “(3) coordinate with other relevant Federal
25 agencies and coastal states in the development of an

1 administrative process to facilitate the licensing or
2 permitting of renewable energy facilities located in
3 waters of the United States.

4 “(n) RENEWABLE ENERGY DEFINED.—In this sec-
5 tion the term ‘renewable energy’ means wind, wave, cur-
6 rent, tidal, or ocean thermal energy.”.

7 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
8 318(a) of the Coastal Zone Management Act of 1972 (16
9 U.S.C. 1464) is amended—

10 (1) in paragraph (1)(C) by striking “and” after
11 the semicolon;

12 (2) in paragraph (2), by striking the period at
13 the end and inserting a semicolon; and

14 (3) by adding at the end the following:

15 “(3) for grants under section 306B such sums
16 as are necessary; and”.

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